

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlmais Johnson	Team: Team # 5	CCRB Case #: 200711495	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/02/2007 2:17 AM	Location of Incident: § 87(2)(b) 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 2/2/2009	EO SOL 2/2/2009	
Date/Time CV Reported Thu, 08/09/2007 4:42 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/09/2007 4:42 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM John Laporte	20299	930530	044 PCT
2. Officers			044 PCT
3. An officer			044 PCT
4. LT Brian Mullen	00000	906885	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: On August 2, 2007, at § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	§ 87(2)(b)
B. An officer	Force: On August 2, 2007, at § 87(2)(b) in the Bronx, an officer used a chokehold against § 87(2)(b)	§ 87(2)(b)
C. POM John Laporte	Force: On August 2, 2007, at § 87(2)(b) in the Bronx, Officer John Laporte used physical force against § 87(2)(b)	§ 87(2)(b)
D. LT Brian Mullen	Abuse: On an unspecified date at the 44th Precinct stationhouse, Lieutenant Brian Mullen did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)
E. LT Brian Mullen	Abuse: On an unspecified date at the 44th Precinct stationhouse, Lieutenant Brian Mullen threatened to arrest § 87(2)(b)	§ 87(2)(b)

## Synopsis

On August 2, 2007, at approximately 2:17 a.m., § 87(2)(b) was inside of his residence at § 87(2)(b) in the Bronx, with his ex-girlfriend § 87(2)(b) and § 87(2)(b) argued with one another and § 87(2)(b) stabbed § 87(2)(b) in the shoulder with a knife. § 87(2)(b) called 911 to report that she had stabbed § 87(2)(b) and requested medical attention. Approximately ten officers and two emergency medical technicians responded to the apartment. § 87(2)(b) alleged that when he opened the door to the police, the officers “jumped” on him. He claimed that one officer choked him by using one hand to hold him against a wall; he reported that his breathing was restricted for approximately thirty seconds. § 87(2)(b) further claimed that another officer repeatedly hit him on his sides. § 87(2)(b) identified this officer as Officer Laporte and indicated that he later obtained this officer’s name from a property voucher which he observed the officer sign. The Complaint Tracking System indicates that the subject of § 87(2)(b)’s complaint is Officer John Laporte, of the 44<sup>th</sup> Precinct. § 87(2)(b) further alleged that Officer Laporte injured his finger. § 87(2)(b) stated that he was thrown to the ground and placed in handcuffs. Only after he was handcuffed did officers inquire about § 87(2)(b)’s stab wound. § 87(2)(b) was transported by ambulance to § 87(2)(b) where he received treatment for the stab wound and was diagnosed with a broken finger. § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) returned to the 44<sup>th</sup> Precinct stationhouse on an unknown date after he was released from police custody in order to obtain his property and to file a complaint about the incident. § 87(2)(b) stated that he spoke with an officer who identified himself as Lieutenant “Mullin.” This officer, identified by the Complaint Tracking System as Lieutenant Brian Mullen, of the 44<sup>th</sup> Precinct, ordered § 87(2)(b) to exit the precinct. When § 87(2)(b) complied, Lieutenant Mullen informed § 87(2)(b) that he would not file his complaint because he had pushed an officer. § 87(2)(b) attempted to re-enter the precinct and Lieutenant Mullen told § 87(2)(b) “If you don’t get out of this precinct, I’m going to lock you up.”

§ 87(2)(b) left the 44<sup>th</sup> Precinct stationhouse and called 311 to obtain the telephone number for the Civilian Complaint Review Board. § 87(2)(b) filed his complaint via telephone on August 9, 2007. His allegations regarding his broken finger were reported to the Internal Affairs Bureau on August 20, 2007; this case has been assigned log number 07-30990. § 87(2)(b) provided the agency with a detailed telephone statement on August 13, 2007, at which point he scheduled an appointment to provide a sworn statement on August 15, 2007. However, on the scheduled date, § 87(2)(b) failed to appear and did not call to cancel or reschedule his appointment. The undersigned investigator mailed two additional letters to § 87(2)(b) on August 15, 2007 and August 20, 2007. Neither of these letters was returned by the United States Postal Service. Between August 16, 2007 and August 24, 2007, six additional calls were made to § 87(2)(b) and the undersigned investigator left messages asking him to contact the agency about his complaint. To date, § 87(2)(b) has not called to reschedule his appointment for a sworn statement. A check of the New York City Department of Correction on September 17, 2007 indicates that § 87(2)(b) is not currently incarcerated. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: